(22)

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVIEW PETITION No. 71 OF 2007

PETITIONER : Abhay Narayan Pandey S/o Shri Aditya Narayan Pandey, Aged about 46 years, R/o Near Panchdev Temple, Namnakala, Tahsil and District – Ambikapur (C.G.)

VERSUS

RESPONDENTS :
1. The Union of India, Through the Secretary, Home Department, New Delhi.
2. The State of Chhattisgarh, through the Secretary, Home Department, D.K.S. Bhawan, Raipur (C.G.)
3. I.G. Police, Ambikapur Range, Ambikapur (C.G.)
4. The Superintendent of Police, Balrampur, District Surguja (C.G.)
5. The S.H.O. Police Station, Shankargarh, District Surguja (C.G.)
6. Shivram Prasad Kalluri, Present S.P. Balrampur, District Surguja (C.G.)
7. Sub Inspector, Police Station Shankargarh, District Surguja (C.G.)
8. Police Station, Shankargarh, District Surguja (C.G.)
9. Hemant Kharre, Town Inspector, Ambikapur (C.G.)
10. Dr Ajmer Singh, S/o Kewalisingh, aged about 50, C.E.O. Janpad Panchayat, Shankargarh, District Surguja (C.G.)

REVIEW PETITOIN AGAINST THE ORDER DATED 18.09.2007

SB: Hon'ble Shri Satish K. Agnihotri, J.

BY CIRCULATION

ORDER

(Passed on 31st day of October, 2007)

1. This review petition is considered in the Chamber under the provisions of Rule 76(2) of the High Court of Chhattisgarh Rules, 2005.

2. By this petition, the petitioner seeks review of the order dated 18.09.2007 passed in W.P. 504/2006, which was dictated in the open Court. The petitioner, in this review petition seeks review on the ground that an enquiry by the Central Bureau of Investigation was prayed by the petitioner, into the allegations made by him in its totality. Further, interference by the Superintendent of Police would lead to influencing the witnesses and vitiate the proceedings. It is next contended that the settlement of the

dispute between the petitioner and one Dheeraj Jaiswal was as a result of duress and pressure.

3. I have gone through the pleadings and documents appended thereto, and it is clear that the petitioner did not raise any objection regarding the settlement of dispute between the petitioner and Dheeraj Jaiswal at the time of hearing of the petition. Now, raising the new ground will amount to rehearing of the case. The enquiry by the Central Bureau of Investigation cannot be ordered on mere asking for the same. The petitioner has failed to establish a case for enquiry by the Central Bureau of Investigation.

4. The review petitioner has not pointed out any manifest error on the record and the petitioner has not further brought into the notice, any new fact which could not be produced earlier despite diligent efforts made by the petitioner. It is well settled principles of law that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure, even in exercise of review jurisdiction by the High Court under Article 226 of the Constitution. The applicant has not produced any new ground for review, except the same grounds which have been considered and decided in the writ petition.

5. Applying the well settled principles of law to the present case, there is no ground available for review of the order dated 18.09.2007. Under the garb of the review petition, the petitioner seeks an opportunity to argue the entire case afresh which would amount to convert the review petition into an appeal and the same is not sustainable in law.

6. As a result and in view of the foregoing, this review application is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit